

1 SENATE BILL NO. 287

2 INTRODUCED BY S. FITZPATRICK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PROPERTY OWNERSHIP LAWS;
5 LISTING ADDITIONAL CATEGORIES OF PROPERTY THAT MAY BE OWNED; PROVIDING THAT
6 PROPERTY DAMAGED OR TAKEN FOR A PUBLIC USE IS SUBJECT TO REGULATORY TAKINGS SUIT;
7 ~~AND AMENDING SECTION 70-1-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN~~
8 APPLICABILITY DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Section 70-1-104, MCA, is amended to read:

13 **"70-1-104. In what things property interests may exist -- regulatory taking.** (1) There may be

14 ownership of:

15 ~~(1)(a)~~ all inanimate things ~~which~~that are capable of appropriation or of manual delivery;

16 ~~(2)(b)~~ all domestic animals;

17 ~~(3)(c)~~ all obligations;

18 ~~(4)(d)~~ ~~such~~ products of labor or skill such as the composition of an author, the goodwill of a business,
19 trademarks, and signs; ~~and~~

20 ~~(5)(e)~~ rights created or granted by statute;

21 ~~(f) — li censes to pursue a business or livelihood, including state licenses that have been approved~~
22 ~~and issued and for which the holder has a legitimate claim of entitlement, and the property interests associated~~
23 ~~with licenses, including any authorized ability to freely transfer or dispose of the license;~~

24 ~~(g)(F)~~ real property and fixtures;

25 ~~(h)(G)~~ personal property and appurtenances;

26 ~~(i)(H)~~ water rights and beneficial water use permits or authorizations as defined in 85-2-102;

27 ~~(j)(I)~~ intangible PERSONAL property AS DEFINED IN 15-6-218; and

28 ~~(k)(J)~~ mineral rights.

